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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

7 JON FLEMING, individually,

8 Plaintiff,

9 v.

10 STATE OF WASHINGTON, *et al.*,

11 Defendants.

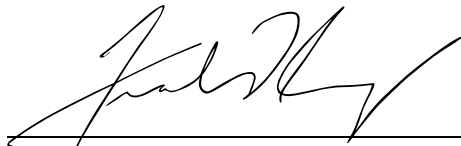
Case No. C07-5246FDB

ORDER DENYING
RECONSIDERATION

12 Plaintiff moves for reconsideration of the Court's order finding this cause of action barred by
13 the applicable statute of limitations. Plaintiff argues that because he filed his lawsuit after the claim
14 filing statute (RCW 4.92.100) was amended and he filed a claim, the 60-day tolling period makes his
15 case timely filed. The claim filing statute's amendment was not made retroactive, however, and was
16 not effective until June 7, 2006. Moreover, the claim filing statute is not a general tolling statute, as
17 this Court already concluded in its earlier order.

18 ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion for Reconsideration [Dkt. # 38] is
19 DENIED.

20 DATED this 30th day of September 2008.

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23 FRANKLIN D. BURGESS
24 UNITED STATES DISTRICT JUDGE
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